REMARKS

Claims 1-14 and 16-21 are pending.

Claims 1, 3, 10, 11 and 14 are amended for various formalities as to correct the various 112 rejections made by the Examiner.

Claims 17-21 are new claims.

Claim 15 is cancelled.

No new matter was entered in view of these amendments.

Rejection of Claims 1, 3, 10, 11, and 14 under 35 U.S.C. 112

Claims 1, 3, 10, 11, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Such claims are amended as to attempt to fix the problems noted by the Examiner. If such problems still exist, the Examiner is encouraged to contact the Applicants' representative as to fix such problems.

Rejection of Claims 1-16 under 35 U.S.C. 102(b)

Claims 1-14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Dinallo et al. (US 5,929,857).

In a rebuttal to the Examiner's arguments in the rejection from November 8, 2011, the Applicants have amended the pending claims to recite claimed features in the body of such claims that were previously in the preamble. Hence, the arguments below are applicable.

1)   Dinallo teaches retrieving all menu image data (i.e. visual data) from a second storage medium, namely a relational data base that is located on the player (see e.g. col.7, lines 11-13). The first storage medium, a DVD in the case of Dinallo, serves only for providing audio-visual data that are not

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menu data, and for providing menu data that are control data such as commands and attributes (see e.g. col.7, lines 14-16,24-25, col.8, lines 2-7 and col.9, line 67-col.10, line 2). Thus, the menu control data alone are not sufficient for generating a menu, since menu image data as such are not retrieved from the DVD. Instead, additional menu image data from the data base are required.

To clarify this difference, the independent Claims 1, 3, and 10 comprise the feature that both, the first portion of menu data is from an exchangeable pre-recorded medium and the second portion of menu data is from a second data source, comprise audio-visual data. Specifically, both the first portion of menu data and second portion of menu data come from different sources (as claimed in Claims 1 and 3). As shown above, Dinallo fails to disclose or suggest this feature.

2)   Dinallo teaches retrieving from the first storage medium, i.e. the DVD, all audio-visual data that are not menu data. That is, Dinallo fails to disclose or suggest the retrieving of audio-visual data that are no menu data from the second storage medium. For the present invention, an example of such audio-visual data that are no menu data is additional content (e.g. bonus tracks) that is stored on the second storage medium (see e.g. page 3, lines 3-11 or page 10, line 28 – page 11, line 7 of the specification). Dinallo does not disclose or suggest storing additional content, and particularly does not disclose or suggest storing additional content on another storage medium than the DVD. Therefore, Dinallo's disclosure is not suitable for updating a menu so as to access content that was not available at the time of producing the DVD, but that is stored later on the second storage medium. The present invention solves this very problem (see e.g. lines 26-24 of page 2, lines 3-17 of page 3, lines 13-16 of page 5 etc.)

Dinallo describes in col.9, lines 1-52, a "generic menu", i.e. an example where the DVD contains no navigation commands. As a result, a default user interface is generated. This means that the generic menu is created exclusively from data that come from the player, which means that (using the claim language) the menu data are retrieved only from the second storage medium. Therefore, in this and other examples referring to a "generic menu", Dinallo fails to disclose or suggest "a first portion of menu data is retrieved from a first storage medium" as in amended Claims 1, 3, and 10.

For the reasons given above, Claims 1, 3, and 10 are deemed to be patentable over the cited prior art. In addition, Claims 2 and 4-9, Claims 11-14 and 16 are also considered to be patentable as such claims depend on allowable Claims 1 and 3, respective. New Claims 17-21 are considered to be patentable over the cited art of record because such claims depend on allowable Claims 1 and 3.

The Examiner is encouraged to contact the Applicants' representative to discuss the pending claims so that the application can proceed to allowance. This includes any suggested claim amendments that would help close the prosecution of this application.

Respectfully submitted,

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